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**COMMONWEALTH OF VIRGINIA, ex rel.**

**TERRY L. STROCK, et al.**

**CASE NO. PUE-2001-00716**

**v.**

**B & J ENTERPRISES, L.C.**

**HEARING EXAMINER'S RULING**

**June 27, 2002**

On June 24, 2002, B & J Enterprises, L.C. ("B & J" or "Company"), by counsel, filed a Motion for Extension of Time for Filing of Rebuttal Testimony ("Motion") requesting that the date for filing its rebuttal testimony be extended from July 5, 2002, to July 11, 2002, or thereafter. In support of the Motion, counsel for B & J states that, due to the July 4<sup>th</sup> holiday, it has only seven business days following the date of the filing of Staff and Respondents' testimony to file its rebuttal testimony. Counsel further states that the July 4<sup>th</sup> holiday adversely affects the availability of company witnesses needed to prepare the rebuttal testimony. Counsel further states that recent Rulings involving the scope of information to be reviewed has greatly increased the preparation process.

On June 26, 2002, Commission Staff filed a Response to Motion ("Response") in which it opposed Company's Motion arguing that granting the Company's Motion would leave Staff and the Respondents insufficient time (only one business day and a weekend) to analyze and evaluate the Company's testimony prior to the July 15<sup>th</sup> hearing. Staff further states that the Company has been aware of the scope of the issues through interrogatories and document requests made by all parties and Staff.

I find that the Motion should be granted in part. Accordingly,

**IT IS DIRECTED** that the Company shall file its rebuttal testimony on or before July 9, 2002. The Company shall simultaneously serve a copy of its rebuttal testimony on Staff and Respondents either by fax, electronic filing, or courier.

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Howard P. Anderson, Jr.  
Hearing Examiner